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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,344	06/16/2005	Martin Woollett	124289	7374

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EXAMINER
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KHAN, MEHMOOD B

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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02/08/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/539,344	<b>Applicant(s)</b> WOOLLETT ET AL.	
	<b>Examiner</b> MEHMOOD B. KHAN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-72 is/are pending in the application.
- 4a) Of the above claim(s) 67 and 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34,36-42,44,45,47-49,51,52,54-64 and 70-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2009</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 11/13/2009 have been fully considered but they are not persuasive.

Applicant argues on page 8 that Ferrari does not disclose including information relating to the time of the measurement in the transmitted information.

The Examiner respectfully disagrees. The transmitted signals are of Manchester encoding which relay time information due to shifts in values of 0 and 1 (**Col 3: 67 – Col 4: 2**).

Applicant argues on page 8 that Ferrari does not disclose that the time delay is sufficiently long to allow the first station to retransmit the signal within the time delay.

The Examiner respectfully disagrees. Belski is relied upon to teach the argued limitation. Please see the rejection of claim 34.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 34, 36-42, 44, 45, 47-49, 51, 52, 54-57, 61, 62 and 67-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrari (US 5,949,352) in view of Cornwall et al. (US 2002/0071478 herein Cornwall) in view of Belski et al. (US 6,657,552 herein Belski).**

Claim 34, Ferrari discloses a first station for mounting with one of the measuring device and the coordinate positioning apparatus (**Col 1: 15-35, where Ferrari discloses a measurement device mounted on a machine**); Ferrari discloses a second station for mounting with the other of the measuring device and the coordinate positioning apparatus (**Col 1: 15-20, where Ferrari discloses a remote receiving station**); Ferrari discloses wherein the first and second stations communicate using a spread spectrum radio link (**Col 6: 25-30, where Ferrari discloses spread spectrum communication**), Ferrari discloses in the event of a measurement event, the first station may transmit information relating to said measurement event (**Col 2: 33-35, where Ferrari discloses transmission of a change of state of the probe**), Ferrari discloses including data relating to the time of the measurement event (**Col 4: 18-21, 52-57, where Ferrari discloses a time for change of state and the instant of time a change occurs**), Ferrari discloses wherein when a signal transmitted by the first station that contains information relating to the measurement event is received by the second station, the second station produces device output, with a time delay between the

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measurement event and the production of the measurement device output signal, and **(Col 2: 32-38, where Ferrari discloses inserting a fixed delay time, delay will exist since there is an event and then an output).**

Ferrari does not explicitly disclose the spread spectrum radio link being a frequency hopping radio link in which the first and second stations frequency hop between series of different frequencies, wherein if a signal transmitted by the first station is not adequately received by the second station, the signal is retransmitted by the first station.

In an analogous art, Cornwall discloses the spread spectrum radio link being a frequency hopping radio link in which the first and second stations frequency hop between series of different frequencies **(0011, where Cornwall discloses that it is well known to synchronize based on transmission on several frequencies).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use frequency hopping as taught by Cornwall so as to improve synchronization **(0011).**

Ferrari in view of Cornwall does not explicitly disclose wherein if a signal transmitted by the first station is not adequately received by the second station, the signal is retransmitted by the first station.

In an analogous art, Belski discloses wherein if a signal transmitted by the first station is not adequately received by the second station, the signal is retransmitted by the first station **(Col 11: 45-53, where Belski discloses responses to messages to acknowledgements).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari in view of Cornwall to use acknowledgements as taught by Belski in order to recover corrupt data.

Claim 36, Ferrari discloses wherein the measurement device is a measurement probe **(Col 1: 25-30, where Ferrari discloses that it is well known in measuring systems to use probes)**.

Claim 37, Ferrari wherein the measurement probe is a touch trigger probe **(Col 1: 25-30, where Ferrari discloses a contact detecting probe)**.

Claim 38, Ferrari discloses wherein the measurement probe is a scanning probe **(Col 6: 35-40, where Ferrari discloses a deflection detection means)**.

Claim 39, Ferrari does not explicitly disclose wherein the transmission system uses a worldwide license free radio frequency band.

In an analogous art, Cornwall wherein the transmission system uses a worldwide licence [sic] free radio frequency band **(0004, where Cornwall discloses the ISM band)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use the ISM band as taught by Cornwall so as to bypass obtaining a license **(0004)**.

Claim 40, Ferrari discloses wherein the first and second stations are provided with a clock and wherein the clocks are synchronised at least once **(Fig. 1: 17, Fig. 2: 27, where Ferrari discloses clock generators, Col 2: 3-7, where Ferrari discloses synchronous signals)**.

Claim 41, Ferrari discloses wherein the first station transmits a regular transmission and wherein when the second station receives the signal it will synchronise its clock with the first station **(Col 2: 3-7, where Ferrari discloses synchronization extraction)**.

Claim 42, Ferrari does not explicitly disclose wherein when the first and second stations are synchronised, their frequency hopping is synchronised.

In an analogous art, Cornwall discloses wherein the first and second stations frequency hop between different frequency channels and wherein when the first and second stations are synchronised, their frequency hopping is synchronised **(0011, where Cornwall discloses that it is well known to synchronize based on transmission on several frequencies and avoidance of interference and jamming)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use frequency hopping as taught by Cornwall so as to improve synchronization **(0011)**.

Claim 44, Ferrari discloses wherein said measurement event is a touch trigger event **(Col 1: 25-30, where Ferrari discloses contact detection)**.

Claim 45, Ferrari discloses wherein said measurement event is a position measurement **(Col 2: 7, where Ferrari discloses position detection)**.

Claim 47, Ferrari discloses wherein the first station transmits a regular transmission and wherein the information relating to the measurement event is

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transmitted in an additional transmission (**Col 4: 1-10, Fig. 3: ST sequence, where Ferrari discloses a ST sequence, and regular transmission afterwards**).

Claim 48, Ferrari does not explicitly disclose wherein in the event of the first station receiving a transmission from the second station, a measurement event is performed and the first station transmits data relating to said measurement event.

In an analogous art, Cornwall discloses wherein in the event of receiving a transmission from the second station, a measurement event is performed by the measurement device and the first station transmits information relating to said measurement event (**0003, 0023, 0026, where Cornwall discloses collecting data, polling the transmitters and transmission of data**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use polling to wake up sensors as taught by Cornwall so as to extract data at desired times.

Claim 49, Ferrari discloses the measurement device comprises a touch trigger probe (**Col 1: 25-30, where Ferrari discloses a contact detecting probe**); Ferrari discloses wherein in the event of a touch trigger event (**Col 1: 25-30, where Ferrari discloses a contact detecting probe**), Ferrari discloses the first station transmits information relating to the touch trigger event in the form of an additional signal which includes data relating to a time of the touch trigger event (**Col 4: 1-10, Fig. 3: ST sequence, where Ferrari discloses a ST sequence, and regular transmission afterwards**), Ferrari discloses wherein the second station is provided with means for receiving said data representing the time (**Fig. 2: 21, where Ferrari discloses a**



**receiver, Col 4: 18-21, 52-57, where Ferrari discloses a time for change of state and the instant of time a change occurs),** Ferrari discloses providing a probe output signal derived therefrom **(Col 6: 15-21, where Ferrari discloses state of the probe).**

Ferrari does not explicitly disclose wherein the first station transmits a regular signal and wherein if the second station receives the regular signal it will synchronise with the first station.

In an analogous art, Cornwall discloses wherein the first station transmits a regular signal and wherein if the second station receives the signal it will synchronise with the first station **(0011, where Cornwall discloses that it is well known to synchronize based on transmission on several frequencies).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use frequency hopping as taught by Cornwall so as to improve synchronization **(0011).**

Claim 51, Ferrari in view of Cornwall does not explicitly disclose wherein if the second station receives the signal transmitted by the first station, it transmits an acknowledgement signal and if the first station does not receive an acknowledgement signal in response to its signal, it will re-transmit said signal.

In an analogous art, Belski discloses wherein if the second station receives the signal transmitted by the first station, it transmits an acknowledgement signal and if the first station does not receive an acknowledgement signal in response to its signal, it will re-transmit said signal **(Col 11: 45-53, where Belski discloses responses to messages to acknowledgements).** Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify Ferrari in view of Cornwall to use acknowledgements as taught by Belski in order to recover corrupt data.

Claim 52, Ferrari does not explicitly disclose wherein the transmission system comprises a half duplex link.

In an analogous art, Cornwall discloses half duplex **(0024, where Cornwall discloses that it is well known to use half duplex links)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use half duplex communication as taught by Cornwall so as to adhere to a tried method and limit the use of the spectrum.

Claim 54, Ferrari discloses wherein the time delay is chosen so that it is long enough to allow retransmission of the signal within the time delay **(Col 45-55, where Ferrari discloses a variable delay and transmission of a state change of the probe)**.

Claim 55, Ferrari discloses wherein a master clock is provided at one end of the transmission system **(Fig. 1: 17, where Ferrari discloses a generator clock)**.

Ferrari does not explicitly disclose a sliding correlator is provided to recover the master clock.

In an analogous art, Cornwall discloses a sliding correlator is provided to recover the master clock **(0008, where Cornwall discloses synchronizing using a correlator)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use a known correlator as

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disclosed by Cornwall so as to improve synchronization and adhered to tried methods **(0008)**.

Claim 56, Ferrari discloses wherein a master clock is provided at one end of the transmission system **(Fig. 1: 17, where Ferrari discloses a clock generator)**, Ferrari discloses wherein the master clock provides a reference for the measurement device output signal time delay **(Fig. 3: ST sequence, where Ferrari discloses a start sequence, Col 2: 3-7, where Ferrari discloses synchronism)**.

Claim 57, Ferrari in view of Cornwall does not explicitly disclose wherein if the second station receives a signal from the first station it transmits an acknowledgement signal and wherein the acknowledgement signal is synchronised with the master clock.

In an analogous art, Belski discloses wherein if the second station receives a signal from the first station it transmits an acknowledgement signal **(Col 11: 45-53, where Belski discloses responses to messages to acknowledgements)**, Belski discloses wherein the acknowledgement signal is synchronised with the master clock **(Col 7: 44-46, where Belski discloses a synchronization)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari in view of Cornwall to use acknowledgements as taught by Belski in order to recover corrupt data.

Claim 61, Ferrari does not explicitly disclose wherein if the first and second stations are not synchronised, the first and second stations will hop between frequency

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channels at different rates until the second station receives a signal and synchronises with the first station.

In an analogous art, Cornwall discloses wherein if the first and second stations are not synchronized **(0011, where Cornwall discloses synchronization and signal acquisition)**, Cornwall discloses the first and second stations will hop between frequency channels at different rates until the second station receives a signal and synchronises with the first station **(0011, where Cornwall discloses that an FFT determines a frequency of interest and synchronization with hopping codes)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use frequency hopping as taught by Cornwall so as to improve synchronization **(0011)**.

Claim 62, Ferrari does not explicitly discloses wherein if the second station detects background noise above a predetermined level on the selected frequency channel, it will change to a different frequency channel.

In an analogous art, Cornwall discloses wherein if the second station detects background noise above a predetermined level on the selected frequency channel, it will change to a different frequency channel **(0006, 0007, where Cornwall discloses FHSS, and interference)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to use frequency hopping as taught by Cornwall so as to improve synchronization **(0011)**.

Claim 70, as analyzed with respect to the limitations as discussed in claim 49.

Claim 71, as analyzed with respect to the limitations as discussed in claims 48 and 49.

Claim 72, as analyzed with respect to the limitations as discussed in claim 47.

**Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrari in view of Cornwall in view of Li et al. (US 6,405,136 herein Li).**

Claim 58, Ferrari in view of Cornwall does not explicitly disclose wherein a signal sent between the first and second stations comprises data bits and wherein data bits relating to more important information are provided with greater error protection than other data bits.

In an analogous art, Li discloses wherein a signal sent between the first and second stations comprises data bits and wherein data bits relating to more important information are provided with greater error protection than other data bits **(Col 3: 3-5, where Li discloses that bits are given protection and hamming codes)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari in view of Cornwall to encode data bits as taught by Li so as to protect transmitted data.

Claim 59, Ferrari in view of Cornwall does not explicitly disclose wherein the data bits relating to more important information may be provided with a higher hamming distance than other data bits.

In an analogous art, Li discloses wherein the data bits relating to more important information may be provided with a higher hamming distance than other data bits **(Col 12: 55-63, where Li discloses that bits are given more protection than other bits**

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**and Hamming codes**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari to encode data bits as taught by Li so as to protect transmitted data.

**Claims 60, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrari in view of Cornwall in view of Armstrong et al. (US 2002/0175805 herein Armstrong).**

Claim 60, Ferrari in view of Cornwall does not explicitly disclose wherein the first station transmits regular signals and wherein the first station has a mode and wherein each regular signal asks if the first station should change mode, and wherein if the first station receives an affirmative response, it changes mode.

In an analogous art, Armstrong discloses wherein the first station transmits regular signals and wherein the first station has a mode and wherein each regular signal asks if the first station should change mode, and wherein if the first station receives an affirmative response, it changes mode **(0060, where Armstrong discloses acknowledgements and inactivity)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari in view of Cornwall to change modes as taught by Armstrong so as to shorten the time for operations **(0014)**.

Claim 63, Ferrari in view of Cornwall does not explicitly disclose wherein the first station has an ID code and wherein the second station can be set to only communicate with the said first station having said ID code.

In an analogous art, Armstrong discloses wherein the first station has an ID code and wherein the second station can be set to only communicate with the said first station having said ID code **(0018, where Armstrong discloses a re-select method and identification)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari in view of Cornwall to change modes as taught by Armstrong so as to shorten the time for operations **(0014)**.

Claim 64, Ferrari in view of Cornwall does not explicitly disclose wherein the first station is provided with a mode in which it transmits a signal containing its ID code and the second station is provided with a mode in which on receiving said signal, it is set to only communicate with the first station having this ID code.

In an analogous art, Armstrong discloses wherein the first station is provided with a mode in which it transmits a signal containing its ID code and the second station is provided with a mode in which on receiving said signal, it is set to only communicate with the first station having this ID code **(0018, 0060, where Armstrong discloses re-select and Tag\_ID)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferrari in view of Cornwall to change modes as taught by Armstrong so as to shorten the time for operations **(0014)**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEHMOOD B. KHAN whose telephone number is (571)272-9277. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the

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examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. B. K./  
Examiner, Art Unit 2617

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617